

HOUSE BILL 2223

By Arriola

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 1, relative to adoption.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-111(d), is amended by deleting subdivisions (2) and (3) in their entirety, redesignating the remaining subdivisions appropriately, and substituting therefor the following:

(2) A surrender or parental consent may be executed at any time prior to, or after, the birth of the child. A surrender executed in accordance with subsection (h) may also be executed prior to the birth of the child.

SECTION 2. Tennessee Code Annotated, Section 36-1-111(d)(6)(B), is amended by adding the language "if the surrender is executed after the birth of the child," after the language "within five (5) days of the surrender".

SECTION 3. Tennessee Code Annotated, Section 36-1-112, is amended by deleting subsection (a)(1)(A) in its entirety, redesignating the remaining subsections accordingly and substituting therefor the following:

After the court has entered an order confirming a surrender or parental consent, no surrender or waiver of interest or parental consent shall be set aside by a court except

upon clear and convincing evidence of duress, fraud, intentional misrepresentation or for invalidity under Tennessee Code Annotated, Section 36-1-111(d). No surrender, waiver of interest, or parental consent may be set aside for any reason under this part unless the action based on these grounds is initiated within thirty (30) days of the execution of the surrender, waiver of interest or within thirty (30) days of the date of entry of the order of confirmation of the parental consent.

SECTION 4. Tennessee Code Annotated, Section 36-1-112 (d), is amended by deleting that subsection in its entirety and redesignating the remaining subsections appropriately.

SECTION 5. Tennessee Code Annotated, Section 36-1-112 (a)(1)(F)(i), is amended by deleting the language "after the expiration of the ten-day period".

SECTION 6. Tennessee Code Annotated, Section 36-1-112 (a)(1)(F)(i), is amended by deleting the language "subsection (d)" and substituting therefor the language "subsection (a)(1)(A)".

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.